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131) "an insurer was denied subrogation under facts practically identical." This is hardly correct, as the latter case raised a question not of subrogation but simply of amount of recovery; but the mistake is rendered almost innocuous by the author's full statement of each case.

The author, although explaining clearly on p. 434 the fatal objection to the view of a minority of the cases that a breach of condition simply suspends the policy, fails to point out that many of these cases rely upon *New England F. & M. Ins. Co. v. Wetmore* (32 Ill. 221), where the condition distinctly called for mere suspension.

On pp. 483-486 the presentation of the amount of recovery in fire insurance is entirely inadequate, although the deficiency is partly supplied by the discussion of insurable interest in Chapter IV.

Yet it is not desirable that there should go abroad the impression that this book bristles with defects. Notwithstanding the shortcomings pointed out, and others of the same sort, this book, as has been said, is superior to most of the recent writing upon insurance. The discussion of duration of interest, on pp. 121-124, is distinctly good; and Chapter X., on waiver and estoppel, shows that the author can do unusually useful work when he reads the cases carefully and expresses his own conclusions.

A POLITICAL AND CONSTITUTIONAL STUDY OF THE CUMBERLAND ROAD.

By Jeremiah Simeon Young. Chicago: The University of Chicago Press. 1904. pp. 107. 8vo.

The Cumberland Road was under construction by the federal government for the fifty years from 1806 to 1856, during which time it was built from Cumberland, Md., to Vandalia, Ill., for a distance of about six hundred miles, and at a cost of nearly \$7,000,000. Though Mr. Young has sketched the early history of the road and has indicated its importance as a factor in the growth and unification of our country, that portion of his monograph chiefly interests us which discusses it as the center of the struggle over the constitutionality of national internal improvements. Three phases of the greater question were involved,—the power to appropriate, the power to construct, and the right of jurisdiction over the road when once constructed. The primary difficulty of appropriating from the treasury for such a purpose was at first avoided by means of a compact with each new state. Two per cent of the proceeds from the sale of public lands within the state were to constitute a fund to be expended under the direction of the President for roads to and through the state, the latter promising in return to exempt from taxation for five years the lands sold under the compact. On the basis of this fund, as the road progressed, so-called advances were made, ultimately amounting to many times the fund itself. The fiction served, however, despite the effort of Congress, under the leadership of Calhoun and Clay, to displace it by the bonus bill, until, in President Monroe's administration, the Executive and Congress arrived at the important conclusion that direct appropriation for improvements of a national character was one of the powers delegated by the general welfare clause of the Constitution.

The other problems were not so easily settled. The construction of the road was from first to last continued only with the consent of the states through which it passed, and the dependence upon that consent somewhat impeded its progress. An issue was squarely raised, however, when it seemed necessary, if the road was to be preserved, for the federal government to erect toll-gates, collect tolls, police the road, and, in short, to exercise jurisdiction over it. The Cumberland Road gate bill of 1822, asserting impliedly the constitutionality of such a step, seems to mark the extreme of congressional opinion in the direction of loose construction. It met a veto from President Monroe, who would go no farther in his liberal interpretation of the general welfare clause, and who could find no other constitutional warrant for the maintenance, for such a purpose, of federal jurisdiction within the states. As the state-rights theory of sovereignty became increasingly a subject of heated controversy, that right of jurisdiction

was not again embodied in congressional legislation prior to the Civil War. The road consequently fell into disrepair. The Western states, the constant advocates of the road and of internal improvements generally, came to realize that in state control lay their only hope. One after another submitted their petitions to Congress, which was only too glad to be rid of its difficulties by surrendering to each state whatever rights, "if any," the national government possessed.

Confining himself largely to the political side of the road's history, the author gives but scant attention to court decisions involved. The result of his investigations on the subject is not a thesis, but an admirably impartial dissertation of considerable interest to the student of political history or of constitutional law.

A TREATISE ON AMERICAN ADVOCACY. Based upon the Standard English Treatise, entitled *Hints on Advocacy*, by Richard Harris. All new matter added being such as conforms peculiarly to American practice, thus making the work more valuable to the practitioner and student of this country than the English edition upon which it is founded, while the best features of the English book have been retained; more than one half of the present volume being new and original matter. Enlarged, completely Revised and Americanized. By Alexander H. Robbins, St. Louis: Central Law Journal Company. 1904. pp. xiv, 295. 8vo.

Successful practice of the law requires at least two things: a knowledge of its rules, and an understanding of human nature. Innumerable books are annually written to aid in the attainment of the first, but the student of the second must go forth into the school of experience for his training. And yet the subtleties of practice which depend largely upon a knowledge of men and motives form no small part of a man's equipment for a profession in which the personal relation takes so prominent a place. To these subtleties of practice Mr. Robbins in his book attempts to give the young lawyer a short cut. The first thirteen chapters deal with the preparations for trials, both civil and criminal, and the conduct of them, the examination of witnesses, and the making of briefs. All this matter is readily accessible, being contained in short sections under appropriate titles. The work aims, perhaps, not so much to fill the place of a text-book on these subjects as to supply suggestions not easily obtainable except by broad experience. This is especially true of the text and notes dealing with the treatment of witnesses. Ideas are there furnished which would not occur to the beginner and which it might be difficult if not impossible for him to find elsewhere.

The last two chapters deal with legal ethics, compensation, and advertising. In venturing upon this delicate ground the author makes no attempt to codify the indefinite rules which must inevitably represent the best practice, but places his readers in the best position to answer these difficult questions for themselves by giving them a full exposition of the relations and duties of the attorney to the court, to his client, to his adversary, to his profession, and to the community in general. The parts taken from Mr. Harris's book have suffered somewhat in condensation, but perhaps this is more than made up for by the better arrangement of the new volume and the considerable addition of material.

THE INTERSTATE COMMERCE ACT and Federal Anti-Trust Laws, including the Sherman Act; the Act Creating the Bureau of Corporations; the Elkins Act; the Act to Expedite Suits in the Federal Courts; Acts Relating to Telegraph, Military, and Post Roads; Acts Affecting Equipment of Cars and Locomotives of Carriers Engaged in Interstate Commerce, with All Amendments. With Comments and Authorities. By William L. Snyder. New York: Baker, Voorhis & Company. 1904. pp. xxiii, 380. 8vo.

This work is valuable chiefly as a convenient collection of the federal statutes concerning interstate commerce, and of the cases bearing upon the effect of